

Social Security Specialization Examination Guide

Subject Matter Covered

- (A) Title II and Title XVI of the Social Security Act;
- (B) Federal practice and procedure in Social Security disability cases;
- (C) Medical proof of disability;
- (D) Vocational aspects of disability;
- (E) Workers' compensation offset;
- (F) Eligibility for Medicare and Medicaid;
- (G) Eligibility for Social Security retirement and survivors benefits;
- (H) Interaction of Social Security benefits with employee benefits (e.g., long term disability and back pay);
- (I) Equal Access to Justice Act; and
- (J) Fee collection and other ethical issues in Social Security practice.

Nature of Examination

The exam will be 6 hours in length, split between a morning session from 9 a.m. to noon and an afternoon session from 2 p.m. to 5 p.m.

The examination will consist of a mixture of multiple choice questions, short answer questions and essay questions. More information about the nature of the examination will be announced at a later date.

Study Guide

The following are suggested for study:¹

- 1) Title II and Title XVI of the Social Security Act
- 2) The Equal Access to Justice Act
- 3) Social Security Regulations, particularly Subparts J and P of Regulation No. 4 (procedure and determination of disability) and Appendices 1 and 2 to Subpart P (the listings and “grid” regulations)

¹ All of the statutes and regulations are available in *Federal Social Security Laws: Selected Statutes and Regulations*, published annually by Thomson-West.

4) *Dictionary of Occupational Titles*

5) Social Security Training Materials on Earnings Records and Determining Insured Status -- available through this website as PDF files.

In general, an attorney with the experience needed to take the examination would probably have sufficient medical knowledge to answer the questions on the examination that require medical knowledge. If an attorney wishes to study for questions that require medical knowledge, the following may be helpful.

6) *The Merck Manual*

7) *Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition Text Revision* (DSM IV-TR), published by the American Psychiatric Association

8) A dictionary of medical acronyms, such as M.F. DeLong, *Medical Acronyms, Eponyms and Abbreviations* (4th edition)

Sample Questions

A. Multiple Choice Question: What is the limit for countable resources for a single adult SSI claimant?

- A. \$1,500
- B. \$2,000
- C. \$3,000
- D. \$4,000

Answer: B. \$2,000

B. Multiple Choice Question: Mrs. Smith is a widow who was born on July 2, 1953. She has been disabled and out of work for more than 20 years, but never on any Social Security disability benefits. Her husband died on March 11, 1990. She has healthy children by her late husband in her care who were born on February 26, 1975 and October 20, 1972. They received children's benefits on their late father's Social Security account until they graduated from high school. What is the ending date for the prescribed period for disabled widows benefits for Mrs. Smith.

- A. January 31, 1998
- B. March 11, 1997
- C. May 1, 1993
- D. March 1, 1997

Answer: A. January 31, 1998

C. Sample Short Answer Question:

The following is an excerpt from an actual medical report. Translate it so that an ALJ could understand it:

Axis I 296.33 MDD, recurrent, severe /s psychotic features
300.3 OCD
409.81 PTSD

Axis II R/O BPD

Axis III Obesity
LBP

Axis IV

Axis V Current GAF 48
Highest GAF in past year 64

Answer Key Points:

A) MDD = Major Depressive Disorder

B) Recurrent means the claimant has had this before and it has come back -- or maybe never really went away.

C) /s psychosis = no psychosis, meaning the client is not hearing voices or having other similar dramatic psychiatric symptoms, such as delusions.

D) OCD = Obsessive Compulsive Disorder

E) PTSD = Post Traumatic Stress Disorder

F) R/O BPD means the psychiatrist has not ruled out Bipolar Disorder, that is, the psychiatrist is uncertain whether the patient might have Bipolar Disorder.

G) LBP = low back pain.

H) GAF = Global Assessment of Functioning or Global Adaptive Functioning

I) A GAF of 48 indicates significant impairment that would not be consistent with regular work right now

J) GAF of 64 is within the range that would be consistent with work at least at one or more times in the past year.

D. Sample Short Answer Question: Mr. Adams, who is disabled by knee pain and who has never previously been on Social Security disability benefits, receives a decision from an ALJ with the following decisional paragraphs:

It is the decision of the Administrative Law Judge that, based on the application filed on December 23, 2002 the claimant is entitled to a period of disability commencing April 30, 2001 and to Disability Insurance Benefits under sections 216(i) and 223, respectively, of the Social Security Act.

It is the further decision of the Administrative Law Judge that, based on the application filed on December 23, 2002, the claimant was disabled under section

1614(a)(3)(A) of the Social Security Act, beginning April 30, 2001 and that the claimant's disability has continued at least through the date of this decision.

- A) What is the first month for which Mr. Adams is entitled to cash disability benefits?
- B) What is the first month for which Mr. Adams is entitled to Medicare?
- C) When is Mr. Adams first eligible for SSI?
- D) What is the "period of disability" referred to in the decision?

Answer:

- A) December 2001
- B) December 2003
- C) January 2003
- D) A freeze in Mr. Adams' earnings record with Social Security

D. Sample Essay Question: Mr. Jones is your client. He has a Social Security disability claim on which he is awaiting a hearing. He relates the following facts to you:

- 1) He is alleging that he is disabled by rheumatoid arthritis.
- 2) He alleged to Social Security that he became disabled on April 2, 2004. Before that date, he worked for a nursing home as a maintenance mechanic, doing simple repairs.
- 3) He was born on July 19, 1954.
- 4) He has an 8th grade education.
- 5) He began missing time from work due to rheumatoid arthritis in the mid-1990s. He missed an increasing number of days, going up to missing 15 days due to illness in 2002.
- 6) In about May 2003 he was hospitalized for pneumonia. He returned to his work in late July 2003.
- 7) Beginning in August, 2003 his arthritis became more painful and he began to work somewhat intermittently and on a more or less part time basis. He cannot remember exactly when or how much he worked.
- 8) He stopped work for the nursing home altogether on April 1, 2004
- 9) He filed his Social Security disability claim in November 2004
- 10) In June 2005, a friend who owned a mobile home park offered him a job as a maintenance mechanic. He worked full time on this job for 7 weeks and had to stop work due to his arthritis. He has not told Social Security about this work. He is resistant to the idea of informing Social Security of this work, because it was "under the table."
- 11) He found work as an assembler beginning on September 5, 2005. He is still at work on this job, full time, but is missing about two days a month due to illness. He is not sure that he will be able to continue with the job indefinitely, but feels that he must work because of his financial situation.
- 12) Until he stopped his regular job, he had been under the care of a local family physician. In the last 8 years he has not seen any physician other than the family physician and the consultative physicians to whom SSA sent him. Since he stopped work at the nursing home, he has stopped seeing any physician.

Mr. Jones' hearing is scheduled for December 15, 2006 (45 days from today, which is November 1, 2006 for the purposes of this question).

Discuss how you would proceed with this case.

Answer Key Points

- A) Work after the May 2003 hospitalization may be so limited as to not be Substantial Gainful Activity (SGA) or may be one or more Unsuccessful Work Attempts (UWAs).
- B) Employment records needed from nursing home to determine whether work was SGA or UWAs.
- C) May need to amend Alleged Onset Date (AOD) to make it earlier depending upon whether work after May 2003 was SGA or one or more UWAs.
- D) If AOD is to be based upon the April 1, 2004 date he stopped work at nursing home, it should be amended to April 1, 2004 rather than April 2, 2004 which he alleged, since April 1 is the date he became disabled and the difference between April 1 and April 2 is one month of benefits.
- E) Work at the Mobile Home Park is clearly a UWA.
- F) The claimant must tell SSA of the Mobile Home Park work. Client can be reassured that it does not hurt him anyway.
- G) The assembler work will have to be characterized as a Trial Work Period, unless it stops prior to the hearing due to the illness, in which case it could be a UWA. An otherwise correct answer on this point would be disqualified from receiving credit on this point if the answer is to advise the client to stop work due to the proximity to the hearing since that would keep the work from being a UWA and would make the client and attorney look bad to ALJ.
- H) Client should be encouraged to get under medical care, if at all possible, and should be advised of any free treatment resources, if available.
- I) Consider asking for a consultative examination if no other way of obtaining current medical evidence.